

**Notice of Allowability**

Application No.

10/777,114

Examiner

Hemant M. Desai

Applicant(s)

RICE ET AL.

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on 5/10/2005.
2. ☒ The allowed claim(s) is/are 55-79.
3. ☒ The drawings filed on 13 February 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                               |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>6/29/05</u> |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                                       |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                      |
|   | 9. <input type="checkbox"/> Other _____   |

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Irah Donner on 6/29/2005.

The application has been amended as follows:

**In the Specification:**

Insert -- now U.S. Patent No. 6,892,512, issued on May 17, 2005, -- after "2002",  
page 1, line 12.

**In the Claims:**

Claims 55, 67 and 79 are replaced as follows:

**Claim 55:**

A bottle transfer system comprising:  
a plurality of storage locations, each storage location having a topside and a bottom side;  
a stoppage mechanism disposed on the bottom side of each of the plurality of storage locations, the stoppage mechanism having an open position and a closed position;  
a first transport mechanism obtaining one or more bottles and feeding said one or more bottles to one or more of the plurality of storage locations via the top side thereof, wherein the one or more bottles held by the one or more of the plurality of storage locations when the stoppage mechanism is in the closed position;

a second transport mechanism moving the stoppage mechanism from the closed position to the open position;

input system to input a patient specific order in a computer system, said patient specific order comprising one or more bottles, a package and patient specific literature corresponding to the patient specific order; and

said computer system coupled to the first and second transport mechanisms for identifying one or more storage locations, wherein the computer system instructs the first transport mechanism to transfer the one or more bottles corresponding to the patient specific order to one or more of the plurality of storage locations, wherein the computer system further instructs the second transport mechanism to move the stoppage mechanism of the one or more of the plurality of storage locations from the closed position to the open position when the one or more bottles corresponding to the patient specific order have been transferred to the one or more of the plurality of storage locations and are ready for dispensing with other components of the patient specific order, including at least one of another bottle, the package and the patient specific literature corresponding to the patient specific order.

**Claim 67**

A bottle transfer system comprising:

a plurality of storage locations, the plurality of storage locations storing one or more bottles corresponding to a patient specific order, said plurality of storage locations including a stoppage mechanism having an open position and a closed position;

a first transport mechanism obtaining the one or more bottles and transferring said one or more bottles to one or more of the plurality of storage locations, wherein said one or

more bottles held by the one or more of the plurality of storage locations when the stoppage mechanism is in the closed position;

a second transport mechanism responsively connected to transit the stoppage mechanism from the closed position to the open position;

input system to input the patient specific order in a computer system, said patient specific order comprising one or more bottles, a package and patient specific literature corresponding to the patient specific order; and

said computer system coupled to the first and second transport mechanisms for identifying one or more storage locations, wherein the computer system instructs the first transport mechanism to transfer the one or more bottles corresponding to the patient specific order to one or more of the plurality of storage locations, wherein the computer system further instructs the second transport mechanism to transit the stoppage mechanism of the one or more of the plurality of storage locations from the closed position to the open position when the one or more bottles corresponding to the patient specific order have been transferred to the one or more of the plurality of storage locations and are ready for dispensing with other components of the patient specific order, including at least one of another bottle, the package and the patient specific literature corresponding to the patient specific order.

**Claim 79**

A bottle transfer system comprising:

plurality of storage locations means for storing one or more bottles corresponding to a patient specific order and each of the plurality of storage locations means includes a stoppage mechanism having an open position and a closed position;

a first transport mechanism obtaining the one or more bottles and transferring said one or more bottles to one or more of the plurality of storage locations means, wherein the one or more bottles held by the one or more of the plurality of storage locations means when the stoppage mechanism is in the closed position;

a second transport mechanism responsively connected to the stoppage mechanism to transit the stoppage mechanism from the closed position to the open position;

input system to input the patient specific order in a computer system means, said patient specific order comprising one or more bottles, a package and patient specific literature corresponding to the patient specific order; and

said computer system means coupled to the first and second transport mechanisms for identifying a storage location, wherein the computer system means instructs the first transport mechanism to transfer the one or more bottles corresponding to the patient specific order to the one or more of the plurality of storage location means, wherein the computer system means instructs the second transport mechanism to transit the stoppage mechanism of the storage location means from the closed position to the open position when the one or more bottles corresponding to the patient specific order have been transferred to the one or more of the plurality of storage location means and are ready for dispensing with other components of the patient specific order, including at least one of another bottle, the package and the patient specific literature corresponding to the patient specific order.

Claim 56, line 2, delete "tubes" and insert -- storage locations --.

### **REASONS FOR ALLOWANCE**

2. The following is an examiner's statement of reasons for allowance: The prior art of record fails to disclose the claimed bottle transfer system, including: a plurality of storage locations having a top side and a bottom side, a stoppage mechanism disposed on the bottom side of each of the plurality of storage locations, first and second transport mechanism, and a computer system coupled to the first and second transport mechanisms for identifying a storage location, and to instruct the first transport mechanism to transfer one or more bottles corresponding to a patient specific order to one or more of the plurality of storage locations, and to instruct the second transport mechanism to open the stoppage mechanism when the one or more bottles corresponding to the patient specific order has been transferred to the one or more of the plurality of storage locations and ready for dispensing with other components of the patient specific order.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

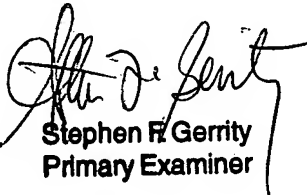
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hemant M. Desai whose telephone number is (571) 272-4458. The examiner can normally be reached on 7:00 AM-5: 30 PM, Mon-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on (571) 272-4467. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3721

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Stephen R. Gerrity  
Primary Examiner